

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Marlin Enrico Coffy, Sr.,)
)
)
Plaintiff,)
)
) Civil Action No. 2:23-cv-236-BHH
v.)
)
)
Officer Michael S. Hannon, Jr. #692;)
PFC Kevin Dani Herbst, #681;)
Sgt. Robert Blaschke, #665;)
FTO Douglas Richards, #717;)
and PFC Dittrich,)
)
Defendants.)
)

ORDER

This matter is before the Court upon Plaintiff Enrico Coffy, Sr.'s ("Plaintiff") pro se complaint seeking relief pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On July 29, 2024, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court grant the motion to dismiss filed by Defendant Officer Michael S. Hannon, Jr. (ECF No. 95.) Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. On August 9, 2024, Plaintiff filed a response to the Report, indicating that he does not wish to dispute the Magistrate Judge's recommendation that Defendant Hannon be dismissed. (ECF No. 124.)

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party disputes the Magistrate Judge’s recommendation, the Court has reviewed the record, the applicable law, and the findings of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s recommendation. Accordingly, the Court **adopts** the Magistrate Judge’s Report (ECF No. 117) and **grants** Defendant Hannon’s motion to dismiss (ECF No. 95), thereby dismissing him from this action.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

August 14, 2024
Charleston, South Carolina